

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 18

August 2, 2013

SUBJECT: FALSE AND MISLEADING STATEMENTS - REVISED

PURPOSE: The purpose of this order is to clarify the Department's policy regarding False and Misleading Statements.

PROCEDURE: Attached is the revised Department Manual Section 3/828, *False and Misleading Statements*, with revisions indicated in italics.

AMENDMENTS: This Order amends Section 3/828, of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Audits and Inspections Division, will review this directive and determine whether an audit or inspection will be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

Attachment

DISTRIBUTION "D"

DEPARTMENT MANUAL
VOLUME III
Revised by Special Order No. 18, 2013

828. FALSE AND MISLEADING STATEMENTS. It is a violation of Department Policy for any employee to make a false statement or a misleading statement as defined in this section. Any violation of this standard constitutes misconduct, which may lead to disciplinary action up to and including termination.

False Statement – Defined. A false statement is **any** manner of communication, including, but not limited to oral, written and electronic, which a Department employee makes when he or she knew or should have known the statement was false at the time it was made or the employee fails to correct the statement upon learning of its falsity.

Misleading Statement – Defined. A misleading statement is **any** manner of communication, including but not limited to oral, written and electronic, which a Department employee makes when he or she:

- Provides information in an inaccurate context;
- Provides information designed to lead *the investigator or another* astray or misdirect others;
- Intentionally withholds information which is known or reasonably believed to be relevant; or,
- Intentionally fails to provide a complete or accurate account of matters which are known to the employee.

Providing partial truth about an incident does not satisfy an employee's obligation for truthfulness when relevant information has been deliberately left out. Further, an employee who becomes aware that a statement has been misunderstood or misrepresented has an obligation to correct the misunderstanding or misrepresentation. Failure to do so may create an inference that the employee made the statement with the intention to mislead.

A "false statement" or a "misleading statement" constitutes misconduct when:

- It is made while carrying out an employee's duties;
- It results from actions incidental to an employee's duties;
- It is made while conducting a criminal or administrative investigation, even if the investigation is preliminary in nature; or,
- It is made by an off-duty employee arising from a circumstance in which the employee's occupation as a Department employee is a factor.

Exception: False and misleading statements allowed by law, including those made for investigative purposes such as those required to conduct an undercover investigation, are **not** considered to be misconduct and therefore do not fall within these categories.